

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

STEPHEN ALAN FARLEY, aka
STEPHEN A. FARLEY
Sacramento, CA 95834

Registered Nurse License No. 293829

Respondent.

Case No. 2007-9

OAH No. 2007100740

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby
adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on June 2, 2008.

IT IS SO ORDERED MAY 2, 2008.

LaTranene W Tate

BOARD OF REGISTERED NURSING
MAR 7 - 2008

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

STEPHEN ALAN FARLEY, aka
STEPHEN A. FARLEY
Sacramento, CA 95834

Registered Nurse License No. 293829

Respondent.

Case No. 2007-9

OAH No. 2007100740

PROPOSED DECISION

Administrative Law Judge Nancy L. Rasmussen, Office of Administrative Hearings, State of California, heard this matter on February 28, 2008, in Sacramento, California.

Deputy Attorney General Arthur D. Taggart represented complainant Ruth Ann Terry, M.P.H., R.N., Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California.

Respondent Stephen Alan Farley appeared and represented himself.

The record was held open for respondent to submit additional documents. On March 4, 2008, a package of documents was received from respondent by facsimile transmission. This package contained a letter from respondent to Mr. Taggart, three letters of reference and six continuing education certificates. These documents were marked collectively as Exhibit B and admitted in evidence as administrative hearsay. The record was closed and the matter was deemed submitted for decision on March 4, 2008.

FACTUAL FINDINGS

California License History

1. On August 31, 1978, the Board of Registered Nursing issued registered nurse license number 293829 to respondent Stephen Alan Farley. The license expiration date is March 31, 2008.

2. Effective February 17, 1982, following an administrative hearing, the board revoked respondent's license. The basis for disciplinary action was respondent's diversion and self-administration of controlled substances at four different facilities between June 1979 and September 1981, and respondent's conviction in March 1980 of violating Health and Safety Code section 11350 (possession of controlled substance).

3. Effective July 16, 1984, the board granted respondent's petition for reinstatement, reinstating his license under terms and conditions of probation for three years. On March 30, 1987, a petition to revoke probation and reinstate revocation was filed, based on respondent's failure to comply with certain conditions of probation.

4. Effective July 16, 1987, pursuant to a stipulated settlement and order, the board revoked respondent's license. The revocation was stayed, however, and petitioner was placed on probation for three years. Respondent completed probation on September 5, 1990.

Vermont License Discipline

5. Effective March 8, 2005, pursuant to a stipulation and consent order (docket number NU02-0602), the Vermont Board of Nursing disciplined respondent's registered nurse license by placing conditions on the license for two years. Although respondent did not admit the factual allegations, he agreed that discipline could be imposed for the following unprofessional conduct:

- In the course of practice, gross failure to use and exercise on a particular occasion, or the failure to use and exercise on repeated occasions, that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, and prudent professional engaged in similar practice under the same or similar conditions, whether or not actual injury to a client, patient or customer has occurred.
- Failing to conform to the essential standards of acceptable and prevailing practice.
- The performance of unsafe or unacceptable patient or client care.
- Being unable to practice nursing competently.

7. Respondent let his Vermont license expire on March 31, 2005, and he did not fulfill the conditions placed on the license. The current status of his Vermont license is "lapsed-conditional."

Respondent's Testimony

8. Respondent's license discipline in California during the 1980's was related to his unlawful use of controlled substances. In 1986, respondent completed treatment for chemical dependency at the Betty Ford Center in Rancho Mirage. He has been clean and sober since September 8, 1986.

9. In 1998, respondent moved from California to Tucson, Arizona. He worked as a nurse in Arizona until about August 2001, when he moved to Vermont to buy a house and work part-time.

10. In October or November 2001, respondent went to work as a nurse in the emergency department at Fletcher Allen Health Care, a large medical center in Burlington, Vermont. Not long after he began working there, respondent started having chest pains. Cardiac catheterization revealed coronary artery disease, and respondent underwent heart bypass surgery on March 8, 2002. After recovery from his surgery, respondent was informed that his old job in the emergency department was no longer available. The only job available was in the neurosurgical unit. Respondent took the job, although he did not feel he was really qualified for this position, and he explained that he would need some orientation. Respondent received little orientation, and he also feels he returned to work too soon after his surgery.

11. Because respondent was a new nurse in the hospital, his work was overseen by preceptors. Unbeknownst to respondent until his employment was terminated, he made a number of mistakes which his preceptors observed and noted. The incidents listed in the stipulation and consent order were the following:

- “On or about February 21, 2002, Respondent did not wear gloves in the Emergency Department at Fletcher Allen Health Care when he was removing an IV catheter from a patient and as a result, Respondent got a patient’s blood on his hand.”
- “On or about February 26, 2002, Respondent was assigned an elderly male R.L., with pneumonia in which Respondent was instructed to obtain vital signs. Nurse Greene later reviewed the chart of the patient and observed that no vital signs had been documented in the chart.”
- “On or about March 1, 2002, Respondent administered medications to a patient, but failed to document the medication on the patient’s chart.”
- “On or about May 23, 2002 through June 7, 2002, the Respondent left patients’ beds in the ‘high position’ unattended when those patients would be in the beds for continual days. Respondent was repeatedly reminded to lower the beds.”
- “On or about May 23, 2002 through June 7, 2002, the Respondent documented administering a patient medication in that patient’s chart and failed to administer the medication to the patient. On or about May 23, 2002 through June 7, 2002, the Respondent documented on a patient’s chart that he administered a medication and then failed to administer the medication advising Nurse Marsh that the medication was not available. Nurse Marsh found the medication in the tube system and administered the medication to the patient.”
- “On or about June 7, 2002 through June 14, 2002, the Respondent had difficulty administering Ativan IV push because the Respondent did not dilute the Ativan.”

- “On or about June 7, 2002 through June 14, 2002, the Respondent diluted Morphine for the IV when it was not necessary.”

Respondent was terminated on June 14 or 15, 2002, and the termination was reported to the Vermont nursing board. On December 30, 2003, that board filed disciplinary charges against respondent's license.

12. Respondent does not clearly recall the above incidents, but he acknowledges that he made some mistakes and errors in judgment. He also feels he did not get much support from his colleagues at Fletcher Allen Health Care. Respondent sold his house and returned to California in January 2004. Just before his move, he learned that the Vermont nursing board would be pursuing disciplinary action against his license. Respondent had been living in California for about a year, with no intent of returning to Vermont, when he entered into the stipulation and consent order that placed his Vermont nursing license on probation. He did not renew the license, and it expired shortly after the disciplinary action became effective.

13. After returning to California in 2004, respondent had a nursing job at the Kaiser - Roseville oncology department for several months before he started working per diem. Over the next three years, he worked for Kaiser and for two registries on and off, with assignments in about eight hospitals in the Sacramento area. In October 2007, respondent moved from Nevada City to San Francisco. For the last year and a half, he has worked for the MGA Healthcare, Inc., registry in San Francisco and Sacramento. In July 2006, the accusation in this matter was filed, and that cloud on his nursing license has kept respondent from getting many jobs and caused him considerable anxiety.

14. Respondent loves nursing, and he has worked to improve his nursing skills over the years. He believes he has remedied the deficiencies in his nursing practice in 2002, and he has had no complaints about his practice since returning to California. Respondent has completed the continuing education requirements to renew his California license. He is in excellent health.

Letters of Reference

15. The nursing managers of the San Francisco and Sacramento offices of MGA Healthcare, Inc., wrote letters on respondent's behalf. They state that respondent has been placed in a variety of clinical settings, and they have always received positive feedback about his nursing skills and clinical abilities. In their opinion, he is a reliable and competent professional.

16. A nurse with whom respondent worked in a long-term assignment wrote a letter in which he described respondent as a competent, caring and compassionate nurse.

Costs of Investigation and Prosecution

17. The Board of Registered Nursing has incurred the following costs from the Attorney General's office in connection with the investigation and prosecution of this case:

Deputy Attorney General

2005/2006: 1.00 hr. @ \$146/hr. – \$146.00
2006/2007: 0.50 hr. @ \$158/hr. – \$ 79.00
2007/2008: 1.00 hr. @ \$158/hr. – \$158.00

Paralegal

2005/2006: 8.00 hrs. @ \$92/hr. – \$736.00
2006/2007: 2.50 hrs. @ \$101/hr. – \$252.50
2007/2008: 6.00 hrs. @ \$101/hr. – \$606.00

\$1,977.50

LEGAL CONCLUSIONS

Vermont License Discipline

1. Business and Professions Code section 2761, subdivision (a), authorizes the board to take disciplinary action against a licensee for unprofessional conduct. Under subdivision (a)(4) of that section, unprofessional conduct includes “[d]enial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state” Accordingly, the discipline of respondent’s registered nurse license by the Vermont Board of Nursing constitutes cause to discipline respondent’s license under Business and Professions Code section 2761, subdivision (a)(4).

Cost Recovery

2. Complainant has requested that respondent be ordered to pay the board the costs of investigation and enforcement of the case. Business and Professions Code section 125.3 provides that respondent may be ordered to pay the board “a sum not to exceed the reasonable costs of the investigation and enforcement of the case.” The actual costs of investigation and enforcement are \$1,977.50, and in the absence of any evidence to the contrary, this amount is determined to be reasonable.

Appropriate Discipline

3. The board’s guidelines provide that the minimum discipline where a licensee has been disciplined by another state is a stayed revocation with three years of probation. The public interest can be adequately protected by imposing this discipline on respondent.

ORDER

Registered nurse license number 293829 issued to respondent Stephen Alan Farley is revoked. However, the revocation is stayed and respondent is placed on probation for three (3) years on the terms and conditions set forth below.

Each term and condition of probation is separate and distinct. If any term or condition of this order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this order, and all other applications thereof, shall not be affected. Each term and condition of this order shall separately be valid and enforceable to the fullest extent permitted by law.

1. OBEY ALL LAWS: Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by respondent to the board in writing within 72 hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.
2. COMPLY WITH PROBATION PROGRAM: Respondent shall fully comply with the terms and conditions of the Probation Program established by the board and cooperate with representatives of the board in its monitoring and investigation of respondent's compliance. Respondent shall inform the board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.
3. REPORT IN PERSON: During the period of probation, respondent shall appear in person at interviews/meetings as directed by the board or its designated representatives.
4. RESIDENCY, PRACTICE OR LICENSURE OUTSIDE OF STATE: Periods of residency or practice as a registered nurse outside of California shall not apply to the reduction of this probationary term. Respondent's probation is tolled, if and when he resides outside of California. Respondent must provide written notice to the board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the board if he applies for or obtains a new nursing license during the term of probation.

5. SUBMIT WRITTEN REPORTS: During the period of probation, respondent shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury as required by the board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the board or its representatives.

PROVIDE DECISION: Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

6. FUNCTION AS A REGISTERED NURSE: Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order for him to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. EMPLOYMENT APPROVAL AND REPORTING

REQUIREMENTS: Respondent shall obtain prior approval from the board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the board all performance evaluations and other employment-related reports as a registered nurse upon request of the board.

Respondent shall provide a copy of this decision to his employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the board in writing within 72 hours after he obtains any nursing or other health care related employment. Respondent shall notify the board in writing within 72 hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. SUPERVISION: Respondent shall obtain prior approval from the board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the board, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- a. Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- b. Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- c. Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

- d. Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with him as required by the board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the board, periodic, on-site visits to patients' homes visited by respondent with or without respondent being present.

- 9. EMPLOYMENT LIMITATIONS: Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, for a temporary nurse placement agency, as a traveling nurse or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a board-approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the board may request documentation to determine whether there should be restrictions on the hours of work.

- 10. COMPLETE NURSING COURSE(S): Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the board before enrolling in the course(s). Respondent shall submit to the board the original

transcripts or certificates of completion for the above required course(s). The board shall return the original documents to respondent after photocopying them for its records.

11. COST RECOVERY: Respondent shall pay to the board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$1,977.50. Respondent shall be permitted to pay these costs in a payment plan approved by the board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order for him to comply with this condition. During the one-year extension, all original conditions of probation will apply.

12. VIOLATION OF PROBATION: If respondent violates the conditions of his probation, the board, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of his license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the board.

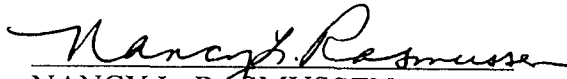
13. LICENSE SURRENDER: During the term of probation, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, he may surrender his license to the board. The board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the board. A registered nurse whose license has been surrendered may

petition the board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- a. Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- b. One year for a license surrendered for a mental or physical illness.

DATED: March 6, 2008


NANCY L. RASMUSSEN
Administrative Law Judge
Office of Administrative Hearings

1 BILL LOCKYER, Attorney General
of the State of California
2 ARTHUR D. TAGGART, State Bar No. 83047
Lead Supervising Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5339
Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-9

12 **STEPHEN ALAN FARLEY, aka**
13 **STEPHEN A. FARLEY**

13 3957 Garden Highway
14 Sacramento, CA 95834

15 Registered Nurse License No. 293829

16 Respondent.

ACCUSATION

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about August 31, 1978, the Board of Registered Nursing ("Board")
23 issued Registered Nurse License Number 293829 to Stephen Alan Farley, also known as Stephen
24 A. Farley ("Respondent"). The license will expire on March 31, 2008, unless renewed.

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0

2

3
4
5
6
7
8
9

10

11

12

13

14

15

16

17
18
19

20
21
22
23

24

25

26

27

28

1 Docket No. NU02-0602, Respondent's State of Vermont registered nurse license was disciplined
2 by being placed under conditions for a minimum of two (2) years by the State of Vermont Board
3 of Nursing pursuant to Title 3, Vermont Statute Annotated, sections 129 and 129a, and Title 26,
4 Vermont Statutes Annotated, Chapter 28, and the rules of the Vermont Board of Nursing and the
5 Vermont Office of Professional Regulation. The conditions placed on Respondent's Vermont
6 nursing license were based upon the following conduct:

7 a. Respondent failed to use and exercise on a particular occasion, or failed
8 to use and exercise on repeated occasions, that degree of care, skill and proficiency which was
9 commonly exercised by the ordinary skillful, and prudent professional engaged in similar
10 practice under the same or similar conditions, in violation of Title 3, Vermont Statute Annotated,
11 section 129a(a)(1).

12 b. Respondent failed to conform to the essential standards of acceptable
13 and prevailing practice in violation of Title 3, Vermont Statute Annotated, section 129a(b)(2) and
14 Administrative Rules, Chapter 4, rule IV(II)(B)(2).

15 c. Respondent performed unsafe or unacceptable patient or client care in
16 violation of Title 3, Vermont Statute Annotated, section 129a(b)(1) and Administrative Rules of
17 Nursing Chapter 4, Rule IV(II)(B)(1).

18 d. Respondent was unable to practice nursing competently in violation of
19 Title 26 Vermont Statute Annotated, section 1582(a)(3).

20 7. A certified copy of the Stipulation and Consent Order and related
21 documents in the case entitled "In Re: Stephen A. Farley," Docket No. NU02-0602, are attached
22 hereto as Exhibit "A."

23 **OTHER MATTER**

24 8. In order to determine the degree of discipline, if any, to be imposed on
25 Respondent, complainant makes the following additional allegations:

26 ///

27 ///

28 ///

1 a. Effective March 18, 1982, pursuant to a disciplinary action entitled, "In
2 the Matter of the Accusation Against: Stephen Alan Farley, R. N.," Case No. 80-33, the Board
3 revoked Registered Nurse License 293829. The basis for revocation of the license was as
4 follows:

5 1. While employed at four separate facilities between in June of
6 1979 through September of 1981, Respondent illegally obtained and self-administered controlled
7 substances.

8 2. On or about March 14, 1980, Respondent was convicted in the
9 Superior court of San Diego for violating Health and Safety code section 11350 (possession of
10 controlled substances).

11 b. Effective July 16, 1984, the Board granted Respondent's Petition for
12 Reinstatement of a Revoked License in Case OAH No. N-22752. Registered Nurse License
13 Number 293829 was reinstated, and placed on probation for a period of three years, under terms
14 and conditions. On or about March 30, 1987, the Board filed a Petition to Revoke Probation and
15 Reinstate Revocation of Registered Nurse License Number 293829, based on Respondent's
16 failure to comply with the terms and conditions of probation.

17 c. Effective July 16, 1987, in the Stipulation in Settlement and Order,
18 Case 87-72, the Board revoked Registered Nurse License Number 293829, however, the
19 revocation was stayed and Registered Nurse License Number 293829 was placed on probation
20 for three years, under terms and conditions.

21 d. Certified copies of the disciplinary action entitled, "In the Matter of
22 the Accusation Against: Stephen Alan Farley, R. N.," Case No. 80-33, the Petition for
23 Reinstatement of a Revoked License in Case OAH No. N-22752, the Petition to Revoke
24 Probation and Reinstate Revocation in Case 87-72, and the Stipulation in Settlement and Order
25 in Case 87-72, and related documents are attached hereto as Exhibit "B," and are incorporated
26 herein by reference.

27 ///

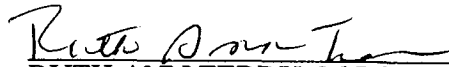
28 ///

1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing the Board issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number 293829, issued
5 to Stephen Alan Farley, also known as Stephen A. Farley;
6 2. Ordering Stephen Alan Farley, also known as Stephen A. Farley to pay the
7 reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant
8 to Code section 125.3; and,
9 3. Taking such other and further action as deemed necessary and proper.

10
11 **DATED:** 7/13/06

12
13
14 
15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
21
22
23
24
25
26
27
28

03579110-SA2005105231

Farley.Acc (rev).wpd

rjt 06/01/06

1 JOHN K.VAN DE KAMP, Attorney General
of the State of California
2 ALAN S. METH,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101

4 Attorneys for Complainant
5
6

7 BEFORE THE
BOARD OF REGISTERED NURSING
8 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
9

10 In the Matter of the Accusation
11 Against:

) No. 87-72
)
)

12 STEPHEN ALAN FARLEY
10525 Fuerte Drive
13 La Mesa, CA 92041
License No. N 293829,

) STIPULATION IN
) SETTLEMENT AND
) ORDER
)
)

14 Respondent.
15
16

17 IT IS HEREBY STIPULATED by and between the parties in
18 the above-entitled matter as follows:

19 1. Petition to Revoke Probation and Reinstate
20 Revocation No. 87-72 is currently pending against Stephen Alan
21 Farley, R.N., (hereinafter referred to as "respondent") before the
22 Board of Registered Nursing (hereinafter referred to as the
23 "Board").

24 2. Petition to Revoke Probation and Reinstate
25 Revocation No. 87-72 has been duly served upon respondent and a
26 notice of defense has been filed.

27 3. Respondent has retained David Danielson, Attorney at

1 Law, to represent him in connection with Petition to Revoke
2 Probation and Reinstate Revocation No. 87-72.

3 4. Respondent is fully aware of the charges and
4 allegations contained in Petition to Revoke Probation and
5 Reinstate Revocation No. 87-72.

6 5. Respondent and his counsel are aware of each of
7 respondent's rights, including the right to a hearing on the
8 charges and allegations, the right to confront and cross-examine
9 witnesses who would testify against him, the right to present
10 evidence in his favor and call witnesses on his behalf, or to
11 testify himself, his right to contest the charges and
12 allegations, and any other rights which may be accorded to him
13 pursuant to the California Administrative Procedure Act (Govt.
14 Code, §11500 et seq.), his right to reconsideration, review by
15 the superior court and to appeal to any other court. Respondent
16 understands that in signing this stipulation rather than
17 contesting the accusation, he is enabling the Board to issue the
18 following order from this stipulation without further process.

19 6. Respondent freely and voluntarily waives each and
20 every one of the rights set forth hereinabove.

21 7. Respondent admits that he is guilty of violating
22 the terms of his probation as alleged in paragraphs 2 and 3 of
23 the Petition to Revoke Probation and Reinstate Revocation, No.
24 87-72. Respondent further admits the allegations contained in
25 said paragraphs are true and are incorporated herein by this
26 reference. These admissions are made for the purpose of this
27 stipulation only, and in the event this stipulation is not

1 adopted by the Board, the admissions made herein shall be
2 inadmissible in any proceeding involving the parties to it.

3 8. Based upon the foregoing, it is stipulated and
4 agreed that the Board of Registered Nursing may issue the
5 following as its decision in this case.

6 ORDER

7 A. License No. N293829 issued to Stephen Alan Farley,
8 R.N., is revoked; provided, however, the revocation is stayed and
9 respondent is placed on probation for three years upon the
10 following terms and conditions:

11 1. Respondent shall obey all the laws of the United
12 States, State of California, and all rules and regulations and
13 laws pertaining to the practice of nursing in this state.

14 2. Respondent shall fully and completely comply with
15 the probation program established by the Board and cooperate with
16 representatives of the Board.

17 3. Respondent during the period of probation shall
18 report in person to such meetings of the Board of Registered
19 Nursing or its designated representatives, as directed.

20 4. In the event respondent should leave California to
21 reside or practice outside of the State, respondent shall comply
22 with the conditions of the probation program as directed by the
23 Board. Periods of residency outside of the state will not apply
24 to the reduction of this probationary term.

25 5. Respondent, during the period of probation. shall
26 submit such written reports and verification of actions as are
27 required by the Board.

1 6. Respondent, during the period of probation, shall
2 engage in the practice of nursing in the State of California for
3 a minimum of six months.

4 7. The Board shall be informed of and approve of any
5 agency for which respondent provides nursing services. The agency
6 shall be informed of the reason for and terms of probation and
7 shall submit performance evaluations and other reports as
8 requested by the Board.

9 8. The Board shall be informed of and approve of the
10 type of supervision provided while the respondent is functioning
11 as a registered nurse. Respondent may not function as a
12 supervisor.

13 9. Respondent may not work for a nurses' registry; as a
14 faculty member in an approved school of nursing; or as an
15 instructor in a Board approved continuing education course.

16 10. Respondent, within 45 days of the effective date of
17 this decision, shall have a physician submit, in a format
18 acceptable to the Board, an assessment of the respondent's
19 physical condition and capability to perform the duties of a
20 professional registered nurse. If medically determined, a
21 recommended treatment program will be instituted and followed by
22 the respondent with the physician providing written reports to
23 the Board.

24 11. Respondent shall successfully complete or shall
25 have completed successfully a rehabilitation program which the
26 Board approves and shall have reports submitted by the program.
27 If a program was not successfully completed prior to the period
of probation, the respondent, within a reasonable period of time

1 as determined by the Board but not exceeding 90 days of the
2 effective date of the decision shall be enrolled in a program.
3 In addition, respondent must attend support groups, (e.g.
4 Narcotics Anonymous, Alcoholic Anonymous, nurse support groups,
5 etc.), as directed by the Board.

6 12. Respondent shall completely abstain from the
7 personal use of all psychotropic drugs, including alcohol, in any
8 form except when the same are lawfully prescribed.

9 13. Respondent shall participate or shall have
10 participated in a drug screening program which the Board approves
11 and shall have reports submitted by the program.

12 14. Respondent shall participate in an on-going mental
13 health counselling program until such time as the Board releases
14 him from treatment. Written progress reports from the counselor
15 will be required.

16 B. If during the period of probation, an accusation or
17 a petition to revoke probation has been filed against
18 respondent's license or the Attorney General's office has been
19 requested to prepare an accusation or petition to revoke
20 probation against respondent's license, such period of probation
21 shall automatically be extended and shall not expire until the
22 accusation or petition to revoke probation has been acted upon by
23 the Board.

24 C. In the event respondent complies with all the terms
25 and conditions of probation as set forth hereinabove, upon the
26 expiration of the above-described period of probation, the stay
27 of revocation of respondent's license to practice registered

1 nursing shall become permanent and respondent's license shall be
2 fully restored.

3 D. This stipulation in settlement shall be subject to
4 the approval of the Board of Registered Nursing. If the Board
5 fails to approve this stipulation in settlement, it shall be of
6 no force or effect for either party.

7

8 DATED: 7-7-87

Catherine M. Puri, R.N., Ph.D.

Catharine M. Puri, R.N., Ph.D.
Executive Officer
Board of Registered Nursing
Complainant

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

DATED: 6-1-87

Alan S. Meth

ALAN S. METH
Deputy Attorney General
Attorney for Complainant

DATED: 6-1-87

David Danielson

DAVID DANIELSON
Attorney for Respondent

DATED: June 1, 1987

Stephen Alan Farley

STEPHEN ALAN FARLEY
Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DECISION

The foregoing stipulation in settlement of case number 87-72 is accepted by the Board of Registered Nursing as its decision and shall become effective on the 16th day of July, 1987.

IT IS SO ORDERED July 7,, 1987.


BOARD OF REGISTERED NURSING

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 LAWRENCE C. KUPERMAN
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7309

5 Attorneys for Complainant
6
7

8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)
Against:)

No. 87-72

12 STEPHEN ALAN FARLEY)
13 10525 Fuerte Drive)
La Mesa, CA 92041)
14 License No. N 293829,)

PETITION TO REVOKE
PROBATION AND
REINSTATE REVOCATION

15 Respondent.)
16

17 Catherine M. Puri, R.N., Ph.D., for causes for
18 discipline, alleges:
19

20 1. Complainant Catherine M. Puri, R.N., Ph.D., makes
21 and files this petition to revoke probation and reinstate
22 revocation in her official capacity as Executive Officer, Board
23 of Registered Nursing, Department of Consumer Affairs.
24

25 2. On August 31, 1978, the Board of Registered Nursing
26 issued registered nurse license number N 293829 to Stephen Alan
27 Farley. On March 18, 1982, the Board of Registered Nursing

1 revoked respondent's license pursuant to a decision entitled
2 In the Matter of the Accusation Against Stephen Alan Farley,
3 case number 80-33. On July 16, 1984, the Board of Registered
4 Nursing reinstated respondent's license pursuant to a decision
5 entitled In the Matter of the Petition for Reinstatement of a
6 Revoked License by Stephen A. Farley, case number N-22752, but
7 placed respondent on probation for a period of three (3) years
8 with conditions. Three of those conditions were:

9 a. That respondent, if employed in nursing at any
10 time during the period of probation, shall have the employer
11 submit to the Board written verification that the employer and
12 the probationer's immediate supervisor understand the conditions
13 of probation.

14 b. That the Board shall be informed and approve of
15 the type of supervision provided while the respondent is
16 functioning as a registered nurse.

17 c. that respondent shall obtain prior approval of
18 the place of employment from the Board. Respondent may not work
19 for a nurses' registry.

20 The license will expire on March 31, 1988, unless renewed.

21
22 3. Grounds exist for revoking respondent's probation
23 and reinstating the order of revocation of respondent's license
24 in that while employed as a registered nurse by the family of
25 Gregory Hooks, he did not comply with the terms of his probation
26 as follows:

27 ///

1 a. By failing to have his employer submit to the
2 Board written verification that the employer and immediate
3 supervisor understand the conditions of his probation.

4 b. By failing to inform the Board and failure to
5 obtain approval from the Board of the type of supervision
6 provided while the respondent was functioning as a registered
7 nurse.

8 c. By failing to obtain prior approval of the
9 place of employment from the Board.

10
11 WHEREFORE, complainant prays a hearing be had and that
12 the Board of Registered Nursing make its order:

13 1. Revoking probation and reinstating the revocation of
14 registered nurse license number N 293829, issued to Stephen Alan
15 Farley.

16 2. Taking such other and further action as may be
17 deemed proper and appropriate.

18 DATED: March 30, 1987

19
20
21 Catherine M. Puri
22 CATHERINE M. PURI, R.N., Ph.D.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California

27 Complainant

03579110-
SD86AD0701

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Reinstatement of a Revoked License)
by:)
STEPHEN A. FARLEY)
Respondent.)
_____)

OAH No. N-22752

DECISION

This matter came on for hearing on April 27, 1984, in Sacramento, California, before a quorum of the Board of Registered Nursing. Karl S. Engeman, Administrative Law Judge, Office of Administrative Hearings, sat with the Board.

Respondent appeared in person and was not otherwise represented.

Robert C. Cross, Deputy Attorney General, appeared on behalf of the Attorney General's Office.

Evidence was received, the hearing was closed and the matter was submitted subject to the receipt of a letter from respondent's probation officer. On or about May 8, 1984, a letter was received by the Board from respondent's probation officer. The matter was thereupon submitted.

The Board makes the following decision:

FINDINGS OF FACT

I

On or about August 31, 1978, respondent was issued Registered Nurse No. 293829 by the Board.

II

Effective March 18, 1982, respondent's registered nursing license was revoked by the Board. The bases for the

revocation were respondent's having illegally obtained and self-administered controlled substances while employed at four separate facilities between June of 1979 and September of 1981, and respondent's conviction in the Superior Court, County of San Deigo, on or about March 14, 1980, for violation of 11350 of the Health and Safety Code (possession of controlled substnaces).

III

In his petition, respondent disclosed a second conviction occurring on or about February 16, 1982, in the Superior Court, County of San Diego, for a violation of Section 11173(a)(1) of the Health and Safety Code. As a result of that conviction, respondent served 106 days in custody and was placed on probation for eight years.

IV

Respondent began reporting to a probation officer with the County of San Diego in or about March of 1982. As of May, 1984, he was scheduled to report to his probation officer on a bi-weekly basis. His probation officer reports that respondent has been an exemplary probationer and periodic testing of respondent's biological fluids have revealed no controlled substances.

V

For approximately two years, respondent has been employed as a Utilization Review Consultant for Blue Shield and an entity known as The Community Care Network. Respondent's position is an administrative one and he has not been involved in any direct patient care for the past two years. Respondent has not enrolled in any formal drug counseling program since a psychotherapist, consulted by respondent, told respondent that he did not need such counseling. Respondent believes that many of his problems relating to controlled substances abuse related to his inability to handle stress, and he has taken a number of stress management courses and believes that he is now able to control stress without resorting to controlled substances.

DETERMINATION OF ISSUES

Good cause exists for the reinstatement of respondent's registered nurse license under certain terms and conditions of probation.

ORDER

The petition of respondent, Stephen A. Farley, for reinstatement as a registered nurse is granted. Respondent shall remain on probation to the Board for a period of three years from the effective date of this decision. The terms and conditions of probation are as follows:

1. Respondent shall obey all the laws of the United States, State of California, and all the rules and regulations and laws pertaining to the practice of nursing in this state.

2. Respondent shall fully and completely comply with the probation program established by the Board and cooperate with representatives of the Board.

3. Respondent, during the period of probation, shall report in person to such meetings of the Board of Registered Nursing or its designated representatives, as directed.

4. In the event respondent should leave California to reside or practice outside of the state, respondent must notify the Board in writing of the dates of departure and return. Reporting in person may be waived if the respondent moves out of state. If employed in another state as a registered nurse, the respondent must submit to the Board written documentation that the other Board is aware of the reason for and terms of probation. The respondent must continue compliance with all other terms to retain California licensure. Periods of residency or practice outside the State of California will not apply to the reduction of this probationary term.

5. Respondent, during the period of probation, shall submit such written reports and verification of actions as are required by the Board.

6. Respondent, if employed in nursing at any time during the period of probation, shall have the employer submit to the Board written verification that the employer and the probationer's immediate supervisor understand the conditions of probation.

7. The Board shall be informed of and approve of the type of supervision provided while the respondent is functioning as a registered nurse.

8. Respondent shall begin and successfully complete a course in nursing prior to providing direct patient care and prior to the end of the probationary term. The content of such course and the place and conditions of instruction shall be approved by the Board prior to enrollment. Written proof of enrollment in such course and proof of successful completion shall be given to the Board by the agency or entity instructing the respondent.

9. Respondent shall obtain prior approval of the place of employment from the Board. Respondent may not work for a nurses' registry.

10. A. If not employed in nursing on the effective date of this decision, respondent shall not resume the practice of nursing in the State of California until such time as respondent submits to the Board satisfactory evidence in writing from a physician that respondent is physically capable of performing the professional duties of a registered nurse. The respondent shall insure that the physician has read and understands the decision of the Board. If medically determined, a recommended treatment program will be instituted and followed by respondent with the physician providing written reports to the Board.

B. If employed in nursing on the effective date of this decision, the respondent shall, within 45 days, submit to the Board satisfactory evidence in writing from a physician that the respondent is physically capable of performing the professional duties of a registered nurse. The respondent shall insure that the physician has read and understands the decision of the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician providing written reports to the Board.

11. Respondent shall participate or shall have participated in a rehabilitation program which the Board approves and have reports submitted by the program.

12. Respondent shall completely abstain from the use of alcohol.

13. Respondent shall completely abstain from the personal use of narcotics, hypnotics, controlled substances or dangerous drugs, in any form, except when a bonafide patient of a licensed physician and when the same are lawfully prescribed.

14. Respondent, at any time during the period of probation, shall fully cooperate with the Board of Registered Nursing or any of its agents or employees in their supervision and investigation of compliance with the terms and conditions of probation; and shall, when requested, submit to such tests and samples as the Board or its agents or employees may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs or controlled substances.

15. A. If not employed in nursing on the effective date of this decision, the respondent shall not resume the practice of nursing in the State of California until such time as the respondent submits to the Board satisfactory evidence in writing from a licensed mental health practitioner, approved by the Board, that the respondent is mentally capable of performing the professional duties of a registered nurse. The respondent shall insure that the mental health practitioner has read and understands the decision of the Board. If recommended, a treatment program will be instituted and followed by the respondent with the mental health practitioner providing written reports to the Board.

B. If employed in nursing on the effective date of this decision, the respondent shall, within 45 days, submit to the Board satisfactory evidence in writing from a licensed mental health practitioner, approved by the Board, that the respondent is mentally capable of performing the professional duties of a registered nurse. The respondent shall insure that the mental health practitioner has read and understands the decision of the Board. If recommended, a treatment program will be instituted and followed by the respondent with the mental health practitioner providing written reports to the Board.


16. Respondent shall participate in an on-going counseling program until such time as the Board releases him from treatment. Written progress reports from the counselor will be required.

17. Should the Board determine, after notice and opportunity to be heard, that respondent has violated any of the terms and conditions of probation, the Board may, in

its discretion, impose discipline including the revocation of respondent's registered nursing license.

This Decision shall become effective July 16,,
1984.

IT IS SO ORDERED this 10th day of August,
1984.



Chairperson
Board of Registered Nursing

BEFORE THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
STEPHEN ALAN FARLEY, R.N.	)	NO. 80-33
2403 Jacaranda Avenue)	
Carlsbad, California	)	L-20660
)	
License No. N293829,)	
)	
Respondent.)	
)	

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at San Diego, California on June 17 and December 2 and 3, 1981. Maxine C. Brody, Deputy Attorney General, represented the complainant. The respondent appeared in person and represented himself. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Michael R. Buggy, R.N., the then Executive Secretary of the Board of Registered Nursing filed the Accusation in his official capacity. Ken Grey, Assistant Executive Secretary of said Board filed the Supplemental Accusation in his official capacity. Barbara Brusstar, R.N., the current Executive Secretary of said Board filed the Second Supplemental Accusation in her official capacity.

II

A. On August 31, 1978, the Board of Registered Nursing of the State of California issued license No. N293829 to Stephen Alan Farley, authorizing him to practice as a registered nurse in the State of California. The license expired on March 31, 1980, and has not been renewed.

B. Under the provisions of Section 118(b) of the Business and Professions Code, suspension, expiration or forfeiture by operation of law, etc. of a license, shall not deprive the Board of Registered Nursing of jurisdiction to proceed with disciplinary action against such license.

Accusation

III

At all times herein mentioned the drugs Dilaudid, Demerol, Morphine Sulphate, and Hydromorphone were narcotics as defined in division 10 of the Health and Safety Code and dangerous drugs as defined in article 8, chapter 9 of division 2 of the Business and Professions Code.

At all times herein mentioned the drugs Valium, Darvon and Talwin were dangerous drugs as defined in article 8, chapter 9 of division 2 of the Business and Professions Code.

IV

It was established that respondent while employed as a licensed nurse at Centre City Hospital in San Diego, respondent, during the months of June and July of 1979, obtained and possessed in violation of law and administered to himself the following drugs: Dilaudid, Demerol, Morphine Sulphate and Hydromorphone.

V

It was established that respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in the hospital records of the following persons while patients at Centre City Hospital during the month of June, 1979: Marie Sandoval, Marie Rodriguez, Mildred Knief, Barbara Rubio, Joseph Clements and John McCarthy.

Supplemental Accusation

VI

It was established that on March 14, 1980, respondent in the case entitled, People of the State of California v. Stephen Alan Farley, Case No. CR 48184, before the Superior Court of California, County of San Diego was convicted on his plea of guilty to a violation of Section 11350 of the Health and Safety Code (possession of Demerol), a felony. Pursuant to said condition respondent was placed on probation for a period of three years and ordered to surrender his license as a registered nurse as a condition of such probation:

VII

It was established that in December of 1979 and January, 1980, respondent was employed at Ocean View Convalescent Hospital, 900 Santa Fe Drive, Encinitas, California. While employed at said hospital, respondent in violation of law, obtained or possessed from said Ocean View Convalescent Hospital the drug Demerol.

VIII

It was established that respondent while employed at Ocean View Convalescent Hospital made false, grossly incorrect, grossly inconsistent and unintelligible entries in the hospital, pharmacy, and patient records of patient Veronica Brinkman.

IX

It was established that between August and September, 1979, respondent was employed at the Kearny Mesa Industrial Medical Center, 8798 Complex Drive, San Diego. While employed at said facility respondent in violation of law and without authorization, obtained or possessed the following drugs, Tylenol with Codeine No. 3, Percodan, Aspirin with Codeine (APC), Demerol - 50 mg., Talwin in ampule and tablet form.

X

It was established that respondent while employed at Kearny Mesa Industrial Medical Center in August and September, 1979, made false, grossly incorrect, grossly inconsistent or unintelligible entries in the drug control records and in the patient charts for patients L. Smith, William Flemming, B. Babbage, Joy McKoy, T. Booth and S. Romesberg.

Second Supplemental Accusation

XI

A. At all times mentioned herein below respondent was employed as a registered nurse at Grossmont Hospital, 5555 Grossmont Avenue, La Mesa, California. It was established that on September 10, 1981, respondent charted on the hospital control record that he withdrew two doses of Demerol, 50 mg. and 1 dose of Demerol, 75 mg, for administration to patient Katherine M. Respondent did not chart the administration of Demerol on the patient medication records. There was one entry on the nurse's notes indicating that the patient was medicated with Demerol. The dosage was not stated. Doctor's verbal orders were for the administration of 1 dose of Demerol, 50 mg. with Phenergan, 25 mg, I.V., one time only, if various other medications were not sufficient. Respondent did not chart the doctor's verbal order on the patient's medication record or on the nurses notes or on the doctor's orders record.

B. In connection with Finding of Fact XI-A, it is found that on September 10, 1981, while employed as a registered nurse at Grossmont Hospital, La Mesa, California, respondent obtained or possessed Demerol in violation of Health and Safety Code Section 11173.

C. In connection with Finding of Fact XI-A, it is found that on September 10, 1981, while employed as a registered nurse at Grossmont Hospital, La Mesa, California, respondent administered to himself Demerol not pursuant to the prescription of a licensed physician and surgeon, dentist or podiatrist.

D. In connection with Finding of Fact XI-A, it is found that respondent had falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in the hospital, patient and narcotic control records of Grossmont Hospital in regards to Demerol.

Supplemental Findings

XII

From June, 1979, until September, 1981, respondent was variously employed as a registered nurse at four medical facilities. Respondent surreptitiously obtained dangerous drugs and narcotics for his own use under the guise of administering same to patients under his care, by falsification of records. The evidence did not establish that respondent engaged in drug traffic for profit. The evidence was not clear as to whether respondent suffered from drug addiction. Beginning before 1979 through the present respondent has been under the care of a physician for hypertension and is receiving medically supervised medication for such condition.

At the hearing herein respondent did not display a realization of the gravity or consequences of his conduct. Such evidence of unprofessional conduct as hereinabove found, reflects a callous disregard on the part of the respondent for the safety and welfare of patients under his care, and leaves the record replete with unanswered questions regarding his fitness to remain licensed as a nurse. His continued licensure at this time, constitutes a serious threat to patients and the health care profession, in jeopardizing the treatment and care rendered to patients.

XIII

All the allegations in the Accusation not theretofore found to be true were not established by the evidence.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause for disciplinary action exists against respondent for violations of the Business and Professions Code as follows:

<u>Findings of Fact</u>	<u>Code Section</u>
IV	2762(a) and 2761(d)
V	2762(e) and 2761(d)
VI	2762(c)
VII	2762(a)
VIII	2762(e)
IX	2762(a)
X	2762(e)
XI B&C	2762(a)
XI D	2762(e)

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

License No. N 293829 heretofore issued to respondent Stephen Alan Farley, R.N., is hereby revoked as to each cause for discipline set forth in the Determination of issues, and for all of them.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on the above dates, at San Diego, California and recommend its adoption as the decision of the Board of Registered Nursing.

DATED: December 23, 1981


RONALD M. GRUEN
Administrative Law Judge
Office of Administrative Hearings

RMG:mh

1 GEORGE DEUKMEJIAN, Attorney General
MAXINE BRODY,
2 Deputy Attorney General
110 West A Street, Suite 700
3 San Diego, California 92101
Telephone: (714) 237-6589
4

5 Attorneys for Complainant
6
7

8 BEFORE THE BOARD
9 OF REGISTERED NURSING
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation	)	NO. 80-33
13 Against:)	
)	
14 STEPHEN ALAN FARLEY, R.N.	)	SECOND SUPPLEMENTAL
License No. N-293829	)	ACCUSATION
)	
15 Respondent)	
<hr/>		

16
17 Complainant, Barbara Brusstar, R.N., alleges:

18 1. She is the Executive Secretary of the Board of
19 Registered Nursing and makes these charges and allegations in
20 her official capacity as such and not otherwise.

21 2. Complainant realleges and incorporates each and
22 every allegation of paragraphs 1-10 of the original accusation
23 and paragraphs 1-8 of the supplemental accusation heretofore
24 filed in this matter as though fully set forth.

25 3. At all times mentioned herein, respondent was
26 employed as a registered nurse at Grossmont Hospital, 5555
27 Grossmont Avenue, La Mesa, California.

1 On or about September 10, 1981, respondent charted
2 on the hospital control record that he withdrew two doses of
3 Demerol, 50 mg, and 1 dose of Demerol, 75 mg, for administration
4 to patient Katherine M. Respondent did not chart the admini-
5 stration of Demerol on the patient medication record. There
6 is no indication on the nurse's notes that the patient was
7 medicated with Demerol. Doctor's verbal orders were for the
8 administration of 1 dose of Demerol, 50 mg, with Phenergan,
9 25 mg, I.V., one time only, if various other medications were
10 not sufficient. Respondent did not chart the doctor's verbal
11 order on the patient's medication record or on the nurses
12 notes or on the doctor's orders record.

13 4. Respondent is guilty of unprofessional conduct
14 pursuant to section 2762(a) of the Code in that on or about
15 September 10, 1981, while employed as a registered nurse at
16 Grossmont Hospital, La Mesa, California, respondent obtained
17 or possessed Demerol in violation of Health and Safety Code
18 section 11173. Said conduct is a cause for disciplinary
19 action.

20 5. Respondent is guilty of unprofessional conduct
21 within the meaning of section 2762(a) of the Code in that on
22 or about September 10, 1981, while employed as a registered
23 nurse at Grossmont Hospital, La Mesa, California, respondent
24 administered to himself Demerol not pursuant to the prescription
25 of a licensed physician and surgeon, dentist or podiatrist.
26 Said conduct is a cause for disciplinary action.

27

/

1 6. Respondent is guilty of unprofessional conduct
2 within the meaning of section 2762(e) of the Code, in that he
3 has falsified, made grossly incorrect, grossly inconsistent,
4 or unintelligible entries in the hospital, patient and narcotic
5 control records of Grossmont Hospital in regards to Demerol.
6 The facts set forth in paragraph 3 are incorporated herein by
7 this reference.


8 Said conduct is a cause for disciplinary action.

9 WHEREFORE, complainant prays that the Board of
10 Registered Nursing hold a hearing on the aforementioned alle-
11 gations and following said hearing:

12 (1) Suspend or revoke the license of respondent and

13 (2) Take such other and further action as the Board
14 deems appropriate.

15 DATED: Nov. 3, 1987

16
17 
18 Barbara Brusstar, R.N.
19 Executive Secretary
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California

23
24
25
26
27 Complainant

1 GEORGE DEUKMEJIAN, Attorney General
BARRY D. LADENDORF,
2 Deputy Attorney General
110 West A Street, Suite 700
3 San Diego, California 92101
Telephone: (714) 237-7811
4

5 Attorneys for Complainant
6

7 BEFORE THE BOARD OF REGISTERED NURSING

8 DEPARTMENT OF CONSUMER AFFAIRS

9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation	)	No. <u>80-33</u>
12 Against:)	
)	
13 STEPHEN ALAN FARLEY, R.N.	)	SUPPLEMENTAL
13 License No. N-293829	)	ACCUSATION
)	
14 Respondent.)	
15 _____)	

16 Complainant, Ken Gray, alleges:

17 1. He is the Assistant Executive Secretary of the
18 Board of Registered Nursing and makes these charges and
19 allegations in his official capacity as such and not otherwise.

20 2. Complainant realleges and incorporates each
21 any every allegation of paragraphs 1 through 10 of the original
22 accusation heretofore filed in this matter as though fully
23 set forth.

24 3. Section 2762(c) provides it is unprofessional
25 conduct for a licensed nurse to be convicted of a criminal
26 offense involving the prescription, consumption, or self
27 administration of any of the substances described in subdivisions

1 (a) and (b) of this section, or the possession of, or falsifi-
2 cation of a record pertaining to, the substances described
3 in subdivision (a) of the section, in which event the record
4 of the conviction is conclusive evidence thereof.

5 4. On or about February 1, 1980, respondent in
6 the case entitled, People of the State of California v.
7 Stephen Alan Farley, Case No. CR 48184, before the Superior
8 Court of California, County of San Diego, entered a plea of
9 guilty to count two of a felony criminal complaint which
10 reads as follows:

11 "COUNT TWO; On or about July 2, 1979,
12 STEPHEN ALAN FARLEY did unlawfully possess con-
13 trolled substances to wit, Demerol, in violation
14 of Health and Safety Code section 11350."

15 Said conviction of respondent Farley is a violation
16 of section 2762(c) and a cause for disciplinary action.

17 5. In December of 1979 and January 1980, respondent
18 was employed at Ocean View Convalescent Hospital, 900 Santa
19 Fe Drive, Encinitas, California. While employed at said
20 hospital, respondent in violation of law, obtained or possessed,
21 from said Ocean View Convalescent Hospital the drugs Demerol,
22 Talwin, Phenergan and Tylenol with Codine. Said conduct is
23 a violation of section 2762(a) and a cause for disciplinary
24 action.

25 6. Respondent while employed at Ocean View Conva-
26 lescent Hospital made false, grossly incorrect, grossly
27 inconsistent and unintelligible entries in the hospital,

1 pharmacy, and patient records of the following patients:
2 Veronica Brinkman, Anna Halberg and Charlotte Lehman. Said
3 conduct by respondent in falsifying hospital and patient
4 records is a violation of section 2762(e) and a cause for
5 disciplinary action.

6 7. Between August 6, 1979 and September 17, 1979,
7 respondent was employed at the Kearny Mesa Industrial Medical
8 Center, 8798 Complex Drive, San Diego. While employed at
9 said facility respondent in violation of law and without
10 authorization, obtained or possessed the following drugs,
11 Tylenol with Codine No. 3, Percodan, Darvocet, Ampicillin
12 with Codine (APC), Demerol - 50 mg., Dilaudid - 2 mg., Talwin
13 in ampule and tablet form. Said conduct by respondent is a
14 violation of section 2762(a) and a cause for disciplinary
15 action.

16 8. Respondent while employed at Kearny Mesa
17 Industrial Medical Center, made false, grossly incorrect,
18 grossly inconsistent or unintelligible entries in the drug
19 control records and in the patient charts for patients L.
20 Smith, William Flemming, B. Babbage, William Burns, Joy
21 McKoy, T. Booth, S. Ramsberg.. Said conduct by respondent is
22 a violation of section 2762(e) and a cause for disciplinary
23 action.

24 WHEREFORE, the complainant prays that the Board of
25 Registered Nursing hold a hearing on the aforementioned
26 allegations and following said hearing:

27

/

1 (1) Suspend or revoke the license of respondent;
2 and

3 (2) Take such other and further action as the
4 Board deems appropriate.

5 DATED: OCT. 3, 1980

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27



KEN GRAY
Assistant Executive Secretary
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

1 GEORGE DEUKMEJIAN, Attorney General
2 BARRY D. LADENDORF,
3 Deputy Attorney General
4 110 West A Street, Suite 600
5 San Diego, California 92101
6 Telephone: (714) 237-7811

7 Attorneys for Complainant

8 BEFORE THE BOARD OF REGISTERED NURSING

9 DEPARTMENT OF CONSUMER AFFAIRS

10 STATE OF CALIFORNIA

11 In the Matter of the Accusation	)	NO. <u>80-33</u>
12 Against:)	
)	
13 STEPHEN ALAN FARLEY, R.N.)	
2403 Jacaranda Avenue	)	ACCUSATION
Carlsbad, California)	
)	
License No. N293829)	
)	
Respondent.)	

17 Complainant, Michael R. Buggy, R.N., alleges:

18 1. He is the Executive Secretary of the Board of
19 Registered Nursing and makes these charges and allegations
20 in his official capacity as such and not otherwise.

21 2. On or about August 31, 1978, the Board of
22 Registered Nursing of the State of California issued license
23 No. N293829 to Stephen Alan Farley, authorizing him to practice
24 as a registered nurse in the State of California.

25 3. Business and Professions Code section 2761(a)(1)
26 provides in pertinent part that the Board may take disciplinary
27 action against a licensed nurse for unprofessional conduct.

1 (All sectional references will be to the Business and Professions
2 Code unless otherwise stated.)

3 4. Business and Professions Code section 2761(d)
4 provides in pertinent part that the Board may take disciplinary
5 action against a licensed nurse for violating or attempting
6 to violate, directly or indirectly, or assisting in or abetting
7 the violating of, or conspiring to violate any provision or
8 term of this chapter or regulations adopted pursuant to it.

9 5. Section 2762(a) provides in pertinent part
10 that it is unprofessional conduct for a licensed nurse to
11 obtain or possess in violation of law, or prescribe, or
12 except as directed by a licensed physician and surgeon,
13 dentist, or podiatrist, administer to himself or furnish or
14 administer to another, any narcotic as defined in division
15 10 of the Health and Safety Code or any dangerous drug as
16 defined in article 8 of chapter 9 of division 2 of the Business
17 and Professions Code.

18 6. Section 2762(d) provides it is unprofessional
19 conduct for a licensed nurse to falsify, or make grossly
20 incorrect, grossly inconsistent, or unintelligible entries
21 in a hospital, patient or other record pertaining to the
22 substances described in subdivision (a) of section 2762 of
23 the Business and Professions Code.

24 7. At all times herein mentioned the drugs Dilaudid,
25 Demerol, Morphine Sulphate, and Hydromorphone are narcotics
26 as defined in division 10 of the Health and Safety Code and
27

/

1 dangerous drugs as defined in article 8, chapter 9 of division
2 2 of the Business and Professions Code.

3 8. At all times herein mentioned the drugs Valium,
4 Darvon and Talwin are dangerous drugs as defined in article
5 8, chapter 9 of division 2 of the Business and Professions
6 Code.

7 9. Respondent is guilty of unprofessional conduct
8 in violation of section 2762(a) of the code in that while
9 employed as a licensed nurse at Centre City Hospital in San
10 Diego, respondent, during the months of June and July of
11 1979, obtained and possessed in violation of law and admin-
12 istered to himself the following drugs: Dilaudid, Demerol,
13 Morphine Sulphate, Hydromorphone, Talwin, Darvon, and Valium.
14 Said conduct is a cause for disciplinary action pursuant to
15 section 2761(d).

16 10. Respondent is guilty of unprofessional conduct
17 as described in section 2762(e) of the code in that he falsified,
18 made grossly incorrect, grossly inconsistent or unintelligible
19 entries in the hospital records of the following persons
20 while patients at Centre City Hospital during the month of
21 June 1979: Marie Sandoval, Marie Rodriguez, Mildred Knief,
22 Barbara Rubio, Joseph Clements and John McCarthy. As a
23 result of said conduct, respondent is subject to disciplinary
24 action pursuant to the provisions of section 2761(d) of the
25 code.

26 /

27 /

1 WHEREFORE, complainant prays that the Board of
2 Registered Nursing hold a hearing on the above allegations
3 and following said hearing:

4 1. Suspend or revoke the license of respondent
5 Farley; and

6 2. Take such other and further action as the
7 Board deems proper.

8 DATED: *Dec 17, 1979*

9
10 *Michael R Buggy R.N.*

11 MICHAEL R. BUGGY, R.N.
12 Executive Secretary
13 Board of Registered Nursing

14
15
16
17
18
19
20
21
22
23
24
25
26
27
Complainant